

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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| In the Matter of                                 | ) |   |
|  | ) |   |
| SPECTRUM NETWORKS GROUP, LLC                     | ) | WT Docket No. 14-100; File Nos. 0005974432, |
|  | ) | 0005974434, 0005974435, 0005974741,         |
| Applications and Waiver Request to Allow It to   | ) | 0005981686, 0005981690, 0005981692,         |
| Provide Private, Internal Machine-To-Machine     | ) | 0005983155, 0005983162, 0006038074,         |
| Communications to Businesses on 900 MHz          | ) | 0006038080, 0006201203, 0006201205,         |
| Business/Industrial/Land Transportation Channels | ) | 0006201206, 0006201208, 0006201210,         |
|  | ) | 0006201211, 0006201213, 0006201214,         |
|  | ) | 0006201216, 0006201217, 0006201220-24,      |
|  | ) | 0006201226, 0006201227, 0006201229-35,      |
|  | ) | 0006201237-44, 0006201371-73, 0006201375-   |
|  | ) | 87, 0006201389-98, 0006201400, 0006201401,  |
|  | ) | 0006202421, 0006202425, 0006202430,         |
|  | ) | 0006202434, 0006202441, 0006202446,         |
|  | ) | 0006202451, 0006202454, 0006202458,         |
|  | ) | 0006202461, 0006202464, 0006202471,         |
|  | ) | 0006202475, 0006203109, 0006203115,         |
|  | ) | 0006203116, 0006203118, 0006203119,         |
|  | ) | 0006203121, 0006203122, 0006203124,         |
|  | ) | 0006203126, 0006203132, 0006203134-37,      |
|  | ) | 0006203139-41, 0006203144-48, 0006204656,   |
|  | ) | 0006204657, 0006204660, 0006204662          |
|  | ) |   |
| CCD900 COMMUNICATIONS, INC.                      | ) | File Nos. 0005965963, 0005983156            |
|  | ) |   |
| SHARMEL, LLC                                     | ) | File Nos. 0005974431, 0005974433,           |
|  | ) | 0005974740, 0006038081                      |
|  | ) |   |
| FINKEN TRACKING & COMM, INC.                     | ) | File Nos. 0005974742, 0005981684            |
|  | ) |   |
| MD COMMUNICATIONS                                | ) | File No. 0005987130                         |
|  | ) |   |
| MATLY, INC.                                      | ) | File Nos. 0006038055, 0006038058-59,        |
|  | ) | 0006038062-63, 0006038065-66, 0006038069,   |
|  | ) | 0006038071-72, 0006039615-17, 0006039620,   |
|  | ) | 0006039622, 0006039624, 0006039627-29       |
|  | ) |   |
| MELLCELL, INC.                                   | ) | File Nos. 006038075, 0006117437             |
|  | ) |   |
| EZ-RAVEN COMMS, LLC                              | ) | File Nos. 0006038076-78                     |
|  | ) |   |
| SKYGOLD TECHNOLOGIES, LLC                        | ) | File No. 0006117069                         |

**ORDER**

**Adopted: April 10, 2015****Released: April 13, 2015**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. This *Order* addresses applications filed by Spectrum Networks Group, LLC (SNG) and the other captioned parties for 896-901/935-940 MHz (900 MHz) Business/Industrial/Land Transportation (B/ILT) Pool channels at various locations, and a request filed by SNG for waiver of Section 90.617(c) of the Commission's Rules, which prohibits Specialized Mobile Radio (SMR) systems on 900 MHz B/ILT channels.<sup>1</sup> As discussed below, we deny the waiver request and will dismiss the applications.

## I. BACKGROUND

1. The 900 MHz band consists of 399 narrowband (12.5 kilohertz) channels grouped into ten-channel blocks that alternate between SMR blocks that are licensed geographically and assigned by competitive bidding, and B/ILT blocks in which channels are assigned on a site-by-site basis. Section 90.617(c) provides that SMR systems will not be authorized on 900 MHz B/ILT channels.<sup>2</sup> SMR systems are defined as those "in which licensees provide land mobile communications services (other than radiolocation services) in the 800 MHz and 900 MHz bands on a commercial basis to entities eligible to be licensed under this part, Federal Government entities, and individuals."<sup>3</sup>

2. Between October 2013 and January 2014, SNG and the other captioned parties filed a total of 47 applications for 900 MHz B/ILT Pool channels at various locations in twenty-two states.<sup>4</sup> Each application indicated that the applicant intended to provide wireless services to Part 90 eligibles on a non-common carrier basis. Enterprise Wireless Alliance (EWA) filed informal objections, arguing that the applications propose a prohibited SMR service.<sup>5</sup>

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<sup>1</sup> 47 C.F.R. § 90.617(c).

<sup>2</sup> *Id.*; see also 47 C.F.R. § 90.179(e) (permitting for-profit sharing above 800 MHz only by SMR, Private Carrier Paging, Location and Monitoring Service, and Dedicated Short-Range Communications Service licensees).

<sup>3</sup> 47 C.F.R. § 90.7.

<sup>4</sup> FCC File Nos. 0005965963, 0005983156, and 0005987126 (this application was withdrawn on March 4, 2014) (filed by CCD900 Communications, Inc.); 0005974431, 0005974433, 0004974740, and 0006038081 (filed by Sharmel, LLC); 0005974432, 0005974434, 0005974435, 0005974741, 0005981686, 0005981690, 0005981692, 0005983155, 0005983162, 0005989998 (this application was withdrawn on March 4, 2014), 0006038074, 0006038080 (filed by SNG); 0005974742 and 0005981684 (filed by Finken Tracking & Comm, Inc.); 0005987130 (filed by MD Communications); 0006038055, 0006038058, 0006038059, 0006038062, 0006038063, 0006038065, 0006038066, 0006038069, 0006038071, 0006038072, 0006039615, 0006039616, 0006039617, 0006039620, 0006039622, 0006039624, 0006039627, 0006039628, and 0006039629 (filed by Matly, Inc.); 0006038076, 0006038077, and 0006038078 (filed by EZ-Raven Comms, LLC); 0006038075 and 0006117437 (filed by Mellicell, Inc.); and 0006117069 (filed by Skygold Technologies, LLC). SNG is listed as the contact on all of the applications, and its address is listed as the control point. See also Reply Comments of Spectrum Networks Group at 6 ("SNG Reply Comments") (indicating that applicants intend to lease spectrum to SNG).

<sup>5</sup> Letter from Mark E. Crosby, President/CEO, Enterprise Wireless Alliance to Marlene H. Dortch, Secretary, FCC (filed Jan. 6, 2014); Letter from Mark E. Crosby, President/CEO, Enterprise Wireless Alliance to Marlene H. Dortch, Secretary, FCC (filed Jan. 30, 2014). EWA also argued that applications FCC File Nos. 0005974434 and 0006117347 propose operations that do not comply with the distance separation requirements of Section 90.621(b)(4) of the Commission's Rules, 47 C.F.R. § 90.621(b)(4). Duke Energy Business Services, LLC also filed an informal objection to File No. 0005974434 on those grounds. Letter from Greg Kunkle, Counsel to Duke Energy Business Services, LLC to Marlene H. Dortch, Secretary, FCC (filed Jan. 28, 2014).

One of the applications, File No. 0005965963, was granted. EWA filed a petition for reconsideration arguing that the application proposed a prohibited SMR service. Letter from Mark E. Crosby, President/CEO, Enterprise Wireless Alliance to Marlene H. Dortch, Secretary, FCC (filed Jan. 31, 2014). SNG and CCD900 Communications, Inc. filed an opposition. Opposition to EWA's Petition for Reconsideration (filed Feb. 10, 2014) ("PFR

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3. In March 2014, SNG filed 99 additional applications for 900 MHz B/ILT channels at various locations in forty-three states and Puerto Rico.<sup>6</sup> Each application indicated that SNG intended to provide wireless services to Part 90 eligibles on a non-common carrier basis. With these applications, SNG filed a request for waiver of Section 90.617(c). In the waiver request, SNG states that it intends to build a network using 900 MHz B/ILT channels to provide communications services to businesses for their private, internal machine-to-machine (m2m) communications needs and to provide service only to Part 90 eligible businesses (not Federal Government entities or individuals).<sup>7</sup> It contends that this is permitted by Section 90.617, but seeks a waiver to the extent that the rules are unclear in this regard.<sup>8</sup> SNG argues that a waiver is warranted because its proposed network will permit SNG to assist in bringing about the m2m revolution by providing such services on channels no wider than needed, using fallow B/ILT channels solely for B/ILT purposes without diverting them from the B/ILT Pool.<sup>9</sup> EWA filed an informal objection again arguing that the applications propose a prohibited SMR service, and opposing the waiver request on the grounds that grant would remove the spectrum from the pool of available 900 MHz frequencies and establish precedent that would undermine the rule with an unproven business plan.<sup>10</sup> SNG subsequently submitted a supplemental filing, with respect to both its 2013 and 2014 applications, further detailing its plans for the network, and committing to meeting specific loading requirements and to limit its total channel aggregation even after those loading requirements are met.<sup>11</sup>

4. The Wireless Telecommunications Bureau issued a Public Notice seeking comment on the SNG applications and waiver request, and noted EWA's opposition to the applications filed by SNG and the other captioned parties.<sup>12</sup> Most commenters are partners of SNG in the design and construction of the

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Opposition"). EWA filed a reply. Letter from Mark E. Crosby, President/CEO, Enterprise Wireless Alliance to Marlene H. Dortch, Secretary, FCC (filed Feb. 18, 2014).

<sup>6</sup> FCC File Nos. 0006201203, 0006201205, 0006201206, 0006201208, 0006201210, 0006201211, 0006201213, 0006201214, 0006201216, 0006201217, 0006201220, 0006201221, 0006201222, 0006201223, 0006201224, 0006201226, 0006201227, 0006201229, 0006201230, 0006201231, 0006201232, 0006201233, 0006201234, 0006201235, 0006201237, 0006201238, 0006201239, 0006201240, 0006201241, 0006201242, 0006201243, 0006201244, 0006201371, 0006201372, 0006201373, 0006201375, 0006201376, 0006201377, 0006201378, 0006201379, 0006201380, 0006201381, 0006201382, 0006201383, 0006201384, 0006201385, 0006201386, 0006201387, 0006201389, 0006201390, 0006201391, 0006201392, 0006201393, 0006201394, 0006201395, 0006201396, 0006201397, 0006201398, 0006201400, 0006201401, 0006202421, 0006202425, 0006202430, 0006202434, 0006202441, 0006202446, 0006202451, 0006202454, 0006202458, 0006202461, 0006202464, 0006202471, 0006202475, 0006203109, 0006203115, 0006203116, 0006203118, 0006203119, 0006203121, 0006203122, 0006203124, 0006203126, 0006203132, 0006203134, 0006203135, 0006203136, 0006203137, 0006203139, 0006203140, 0006203141, 0006203144, 0006203145, 0006203146, 0006203147, 0006203148, 0006204656, 0006204657, 0006204660, and 0006204662.

<sup>7</sup> Request for Waiver at 1-2 ("Waiver Request").

<sup>8</sup> *Id.* at 2-3.

<sup>9</sup> *See id.* at 4.

<sup>10</sup> Letter from Mark E. Crosby, President/CEO, Enterprise Wireless Alliance to Marlene H. Dortch, Secretary, FCC (filed Apr. 8, 2014) ("EWA Opposition"). SNG filed a reply. Reply to EWA's Opposition, FCC File No. 0006203140 *et al.* (filed Apr. 23, 2014).

<sup>11</sup> Letter from Pantelis Michalopoulos and Christopher Bjornson, Counsel to SNG to Marlene H. Dortch, Secretary, FCC (filed June 24, 2014).

<sup>12</sup> Wireless Telecommunications Bureau Seeks Comment on Spectrum Networks Group, LLC Applications and Waiver Request to Allow It to Provide Private, Internal Machine-to-Machine Communications to Businesses on 900 MHz Business/Industrial/Land Transportation Channels, WT Docket No. 14-100, *Public Notice*, 29 FCC Rcd 8238, 8239 (WTB MD 2014).

network, which support the waiver request.<sup>13</sup> Other commenters are split between prospective users of the network, which support the request because of the new capabilities it would offer,<sup>14</sup> and private land mobile radio (PLMR) interests, which oppose the request on the grounds that 900 MHz B/ILT spectrum should not be assigned to for-profit operations because it is scarce and is needed by B/ILT users (particularly critical infrastructure industries) to expand capacity and/or coverage.<sup>15</sup>

## II. DISCUSSION

5. As an initial matter, we conclude that the proposed operations require a waiver of Section 90.617(c). SNG argues that no waiver of the prohibition on authorizing SMR systems on 900 MHz B/ILT Pool frequencies is required because SNG proposes to serve only Part 90 eligibles and cater only to their private, internal communications needs, and would neither serve individuals or Federal Government entities nor compete with commercial mobile radio service (CMRS) providers.<sup>16</sup> We agree with EWA<sup>17</sup> that the contemplated provision of for-profit service to third parties constitutes SMR service, and SNG cannot avoid the effect of Section 90.617(c) by narrowing the scope of customers it intends to serve.<sup>18</sup> Because the applicants propose to provide for-profit service to third parties, they are not eligible for B/ILT frequencies.<sup>19</sup> SNG also argues<sup>20</sup> that, even if the applications are deemed to propose SMR service, the requested channels should be available by way of intercategory sharing because Section 90.617(c) provides that 900 MHz B/ILT channels are “available for intercategory sharing as indicated in § 90.621(e).”<sup>21</sup> We note, however, that Section 90.621(e) does not provide for intercategory sharing between 900 MHz SMR and B/ILT applicants.<sup>22</sup> Consequently, none of the pending applications can be granted without a waiver of Section 90.617(c).

6. The applicants other than SNG have not requested a waiver. Their applications therefore

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<sup>13</sup> See, e.g., Comments of TrueNet Communications at 1.

<sup>14</sup> See, e.g., Comments of Border Commerce and Security Council at 1-2.

<sup>15</sup> See, e.g., Comments of Utilities Telecom Council at 4-5 (“UTC Comments”).

<sup>16</sup> See Waiver Request at 2. Elsewhere, however, SNG suggests that it does in fact intend to compete with CMRS providers. See Letter from Pantelis Michalopoulos and Christopher Bjornson, Counsel to SNG to Marlene H. Dortch, Secretary, FCC, at 11 (filed Oct. 20, 2014) (filed in Docket WT 14-100) (“SNG Supplemental Filing”) (stating that SNG would provide m2m services at much lower cost than current providers); Letter from Pantelis Michalopoulos and Christopher Bjornson, Counsel to SNG to Marlene H. Dortch, Secretary, FCC, at 1-2 (filed Jan. 23, 2015) (filed in Docket WT 14-100) (stating that the cost for users to convert narrowband m2m applications from 2G to 4G LTE is twenty-five to seventy-five percent more than SNG’s proposed replacement equipment, and connectivity charges will be one to two hundred percent higher).

<sup>17</sup> See EWA Opposition at 2 (“The . . . claim by the applicants that they are free to self-select out of classification as SMR by promising not to serve individuals and Federal Government users . . . is unavailing. There is no such option in the FCC rules.”).

<sup>18</sup> See LMR Systems, Inc., *Memorandum Opinion and Order*, 17 FCC Rcd 1900, 1907-08 ¶ 13 (2002) (indicating that providing for-profit service only to B/ILT eligibles would require a waiver of Section 90.617, but remanding to allow the applicant to demonstrate that its operations would be not-for-profit).

<sup>19</sup> See 47 C.F.R. § 90.35(a).

<sup>20</sup> See PFR Opposition at 7-8.

<sup>21</sup> 47 C.F.R. § 90.617(c).

<sup>22</sup> 47 C.F.R. § 90.621(e); see also *Trunking in the Private Land Mobile Radio Services for More Effective and Efficient Use of the Spectrum, Report and Order*, PR Docket No. 87-213, 5 FCC Rcd 4016, 4023 ¶ 64 (1990) (declining to amend the rules to permit SMR systems to obtain non-SMR 900 MHz spectrum through intercategory sharing).

will be dismissed as defective.<sup>23</sup>

7. We now turn to whether to grant the waiver request with respect to the SNG applications. Under Section 1.925 of the Commission's rules, waiver is appropriate where (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>24</sup>

8. SNG argues that waiver is justified because the purpose of the underlying rule, to ensure frequencies remain available "for PMRS [Private Mobile Radio Service] uses," is met by its proposal to offer service only to B/ILT eligibles for their private, internal communications needs.<sup>25</sup> We disagree. The Commission adopted Section 90.617(c)'s prohibition on SMR systems using B/ILT channels in order to "establish[] a clear demarcation between our spectrum allocation for SMR and other Part 90 services and eliminate[] the risk of SMR encroachment on non-auctionable PMRS spectrum."<sup>26</sup> When the Commission subsequently declined to adopt a proposal to license 900 MHz B/ILT spectrum by geographic area and assign the licenses by competitive bidding, it emphasized that it was retaining site-based licensing in order to protect the viability of current and future "traditional B/ILT" operations, *i.e.*, eligible licensees controlling and operating their own systems to address their own private, internal communications needs.<sup>27</sup> The Commission then announced the end of the freeze on new applications for 900 MHz B/ILT licenses,<sup>28</sup> and stated that it would "be particularly vigilant in assessing an applicant's

<sup>23</sup> See 47 C.F.R. § 1.934(d)(2) (an application is defective if it requests an authorization that would not comply with one or more rules and does not request a waiver). Application File No. 0005965963 will be reinstated to pending status and then dismissed.

<sup>24</sup> See 47 C.F.R. § 1.925(b)(3).

<sup>25</sup> See Waiver Request at 5 (quoting Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Band, *First Report and Order*, *Eighth Report and Order*, and *Second Further Notice of Proposed Rule Making*, PR Docket No. 93-144, 11 FCC Rcd 1463, 1537 ¶ 141 (1995) (*SMR Service Rules Order*)).

<sup>26</sup> *SMR Service Rules Order*, 11 FCC Rcd at 1537 ¶ 141; see also *id.* ("With our designation of the General Category channels as SMR channels, we also believe that we have provided sufficient spectrum to address the current demand for SMR spectrum . . .").

<sup>27</sup> Amendment of Part 90 of the Commission's Rules to Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Band Allotted to the Business and Industrial Land Transportation Pool, *Report and Order*, WT Docket No. 05-62, 23 FCC Rcd 15856, 15864 ¶ 13 (2008) (*900 MHz Report and Order*); see also *id.* ("we conclude that the public interest is furthered by continuing to make the 900 MHz B/ILT spectrum available to these entities, to be licensed on a site-by-site basis so as to meet the actual service area needs of each licensee and eligible applicant").

<sup>28</sup> In 2004, the Commission provided flexibility to 900 MHz B/ILT licensees to allow them to convert their PLMR authorizations to CMRS authorizations, but it also envisioned that Sprint would temporarily shift some of its operations to the 900 MHz band in order to create "green space" to facilitate 800 MHz rebanding. See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order*, 19 FCC Rcd 14969, 15127 ¶¶ 335-37 (2004) (*800 MHz Report and Order*). Following the release of the *800 MHz Report and Order*, the Wireless Telecommunications Bureau received an exceptionally high number of applications for 900 MHz B/ILT licenses, so it imposed a freeze on new 900 MHz B/ILT licenses to ensure Sprint had adequate "green space." See Wireless Telecommunications Bureau Freezes Applications in the 900 MHz Band, *Public Notice*, 19 FCC Rcd 18277, 18277-78 (WTB 2004). The Commission later ordered that the "freeze" would be lifted six months after the completion of rebanding in any National Public Safety Planning Advisory Committee (NPSPAC) region. See Amendment of Part 90 of the Commission's Rules to Provide for Flexible Use of the 896-901 MHz and 935-940 MHz Band Allotted to the Business and Industrial Land Transportation Pool, *et al.*, *Report and Order*, 23 FCC Rcd 15856, 15872 ¶¶ 27-29 (2008). Applications for 900 MHz B/ILT licenses are now accepted in any NPSPAC region because the

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basic minimum qualifications to hold a 900 MHz B/ILT license.”<sup>29</sup> We conclude that because SNG seeks to blur the demarcation between B/ILT and SMR spectrum, and obtain spectrum that is set aside for traditional B/ILT operations, grant of the waiver request would undermine the purpose of Section 90.617.<sup>30</sup>

9. Nor has SNG demonstrated any unique or unusual circumstances that render application of the rule inequitable, unduly burdensome or contrary to the public interest, or leave SNG with no reasonable alternative. SNG argues without a waiver, B/ILT eligibles’ m2m communications needs can be met only using wider spectrum bands than are necessary, which is contrary to the public interest.<sup>31</sup> Other commenters, however, contend that use of broadband spectrum to deliver such services yields higher efficiency levels with superior performance.<sup>32</sup> SNG contends that 900 MHz is ideal for propagation, but also notes that it intends to offer service over other bands in areas where sufficient 900 MHz B/ILT spectrum is not available.<sup>33</sup> It appears that the primary benefit of utilizing 900 MHz B/ILT spectrum is that the channels can be obtained without competitive bidding or participation in the secondary market, which would reduce SNG’s start-up and operating costs.<sup>34</sup> That SNG would prefer to acquire spectrum without purchasing or leasing it wherever possible is hardly unique or unusual, and does not merit grant of a waiver.

10. SNG’s applications request a total of more than two thousand channels in approximately 150 of the 186 Basic Economic Areas, including the last remaining 900 MHz B/ILT channels in most of the top-ten markets where channels are still available.<sup>35</sup> It also intends to seek additional 900 MHz B/ILT channels after it satisfies the loading requirements on its initial channels.<sup>36</sup> Grant of the waiver request could thus have a significant effect on the nature of the 900 MHz B/ILT band. We are reluctant to grant waiver requests that effectively circumvent the Commission’s rulemaking function.<sup>37</sup>

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Commission began allowing qualified applicants to obtain new service authorizations in regions where rebanding was incomplete with Sprint’s concurrence, and Sprint filed a general letter of concurrence. *See* Commission Modifies Freeze on Applications in the 900 MHz Band, *Public Notice*, WT Docket Nos. 05-62 and 02-55, 28 FCC Rcd 13165, 13166 (WTB 2013). SNG’s suggestion that the fact that 900 MHz B/ILT spectrum has not been fully assigned in all areas indicates that demand has fallen short of the supply, *see* SNG Reply Comments at 10, 14, ignores that the spectrum was frozen for much of the past decade.

<sup>29</sup> *900 MHz Report and Order*, 23 FCC Rcd at 15873 ¶ 31.

<sup>30</sup> PLMR commenters argue that grant of the waiver request would exacerbate the shortage of available B/ILT frequencies “already plaguing utilities and critical infrastructure industries.” UTC Comments at 1; *see also id.* at 5-6; Comments of Motorola Solutions at 3 (“Motorola Comments”).

<sup>31</sup> *See* Waiver Request at 4 (citing Principles for Reallocation of Spectrum to Ensure the Development of Telecommunications Technologies for the New Millennium, *Policy Statement*, 14 FCC Rcd 19868, 19868 ¶ 2 (1999)).

<sup>32</sup> Comments of the Enterprise Wireless Alliance at 4; UTC Comments at 4. Indeed, SNG defends the quantity of channels it has requested on the grounds that many narrowband m2m operations require a high duty cycle. *See* SNG Reply Comments at 2-3, 7-8.

<sup>33</sup> *See* SNG Reply Comments at 7.

<sup>34</sup> *See id.* at 3, 7.

<sup>35</sup> *See* SNG Supplemental Filing at Exhibit A.

<sup>36</sup> SNG seeks authority to request up to forty percent of what is currently available in a market, plus twenty channels. *See* SNG Reply Comments at 15.

<sup>37</sup> *See* Nextel Communications, Inc., *Order*, 14 FCC Rcd 11678, 11691-92 ¶ 31 (WTB 1999). SNG may pursue a petition for rulemaking if it believes that Part 90 should be amended to provide flexibility in the assignment of what  
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### III. ORDERING CLAUSES

11. Accordingly, IT IS ORDERED THAT, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the Informal Objections filed by Enterprise Wireless Alliance on January 6 and 30, 2014 ARE GRANTED, and applications FCC File Nos. 0005983156 (filed by CCD900 Communications, Inc.); 0005974431, 0005974433, 0004974740, and 0006038081 (filed by Sharmel, LLC); 0005974742 and 0005981684 (filed by Finken Tracking & Comm, Inc.); 0005987130 (filed by MD Communications); 0006038055, 0006038058, 0006038059, 0006038062, 0006038063, 0006038065, 0006038066, 0006038069, 0006038071, 0006038072, 0006039615, 0006039616, 0006039617, 0006039620, 0006039622, 0006039624, 0006039627, 0006039628, and 0006039629 (filed by Matly, Inc.); 0006038076, 0006038077, and 0006038078 (filed by EZ-Raven Comms, LLC); 0006038075 and 0006117437 (filed by Mellcell, Inc.); and 0006117069 (filed by Skygold Technologies, LLC) SHALL BE DISMISSED.

12. IT IS FURTHER ORDERED THAT the Informal Objection filed by Duke Energy Business Services, LLC on January 28, 2014, IS DISMISSED AS MOOT.

13. IT IS FURTHER ORDERED THAT the Petition for Reconsideration filed by Enterprise Wireless Alliance on January 31, 2014 IS GRANTED, and application FCC File No. 0005965963 filed by CCD900 Communications, Inc. SHALL BE REINSTATED TO PENDING STATUS AND DISMISSED.

14. IT IS FURTHER ORDERED THAT the Request for Waiver filed by Spectrum Networks Group, LLC in association with applications FCC File Nos. 0006201203, 0006201205, 0006201206, 0006201208, 0006201210, 0006201211, 0006201213, 0006201214, 0006201216, 0006201217, 0006201220, 0006201221, 0006201222, 0006201223, 0006201224, 0006201226, 0006201227, 0006201229, 0006201230, 0006201231, 0006201232, 0006201233, 0006201234, 0006201235, 0006201237, 0006201238, 0006201239, 0006201240, 0006201241, 0006201242, 0006201243, 0006201244, 0006201371, 0006201372, 0006201373, 0006201375, 0006201376, 0006201377, 0006201378, 0006201379, 0006201380, 0006201381, 0006201382, 0006201383, 0006201384, 0006201385, 0006201386, 0006201387, 0006201389, 0006201390, 0006201391, 0006201392, 0006201393, 0006201394, 0006201395, 0006201396, 0006201397, 0006201398, 0006201400, 0006201401, 0006202421, 0006202425, 0006202430, 0006202434, 0006202441, 0006202446, 0006202451, 0006202454, 0006202458, 0006202461, 0006202464, 0006202471, 0006202475, 0006203109, 0006203115, 0006203116, 0006203118, 0006203119, 0006203121, 0006203122, 0006203124, 0006203126, 0006203132, 0006203134, 0006203135, 0006203136, 0006203137, 0006203139, 0006203140, 0006203141, 0006203144, 0006203145, 0006203146, 0006203147, 0006203148, 0006204656, 0006204657, 0006204660 and 0006204662, and by incorporation, FCC File Nos. 0005974432, 0005974434, 0005974435, 0005974741, 0005981686, 0005981690, 0005981692, 0005983155, 0005983162, 0006038074 and 0006038080, IS DENIED, and the applications SHALL BE DISMISSED.

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is currently 900 MHz B/ILT spectrum. *See, e.g.*, Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific Datavision, Inc., RM-11738 (filed Dec. 8, 2014) (proposing to realign the 900 MHz SMR and B/ILT channels to create a broadband allocation).

15. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau